



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washingt n, D.C. 20231

V 7

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 06/04/97 08/869,109 CHESSER В B154-9245 **EXAMINER** IM22/0928 KELLY, C PAULA D MORRIS PAULA D. MORRIS & ASSOCIATES, PC ART UNIT PAPER NUMBER 2925 BRIAR PARK, STE 930 HOUSTON TX 77042 1721 DATE MAILED: 09/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks





Office Action Summary

G &

Application No. 08/869,109

Kelly, C.H.

Examiner

Applicant(s)

Chesser et al. Group Art Unit

1721



X Responsive to communication(s) filed on Jul 19, 1999	
☐ This action is FINAL .	
☐ Since this application is in condition for allowance except for formal in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D.	
A shortened statutory period for response to this action is set to expir is longer, from the mailing date of this communication. Failure to respapplication to become abandoned. (35 U.S.C. § 133). Extensions of 37 CFR 1.136(a).	oond within the period for response will cause the
Disposition of Claims	
X Claim(s) 1-3, 7, 9, 14-16, 21-23, 26, and 29-42	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
Claim(s)	is/are allowed.
	is/are rejected.
Claim(s)	is/are objected to.
Claims	are subject to restriction or election requirement.
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revi The drawing(s) filed on is/are objected to The proposed drawing correction, filed on The specification is objected to by the Examiner.	by the Examiner.
☐ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. § 119 Acknowledgement is made of a claim for foreign priority under All Some* None of the CERTIFIED copies of the priority under received. received in Application No. (Series Code/Serial Number) received in this national stage application from the Intern *Certified copies not received: Acknowledgement is made of a claim for domestic priority under	ational Bureau (PCT Rule 17.2(a)).
Attachment(s)	
 Notice of References Cited, PTO-892 □ Information Disclosure Statement(s), PTO-1449, Paper No(s). □ Interview Summary, PTO-413 □ Notice of Draftsperson's Patent Drawing Review, PTO-948 □ Notice of Informal Patent Application, PTO-152 	
SEE DEELCE ACTION ON THE EC	NU OWING PAGES



Application/Control Number: 08/869109

Art Unit: 1721

المجاب ا paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended the claims to read on a "method for hydrating a polymer". There is not a method for hydrating a polymer in the specification. The claim language should be directed to the original method language.

The addition of the phrase "even absent other solvating agents" to claims 1, 26, 42 and 57 is considered new matter. The subject matter is not found in the specification. The phrase should be deleted.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

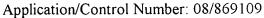
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7, 9, 14-16, 21-23, 26 and 29-41 and 42-65 rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2084586.

The GB reference teaches adding a brine to a polymer to make a polymer dispersion and then adding the polymer dispersion to another brine solution resulting in a brine having a higher concentration. See page 2, described as latter embodiment in lines 35-45. The reference discloses







Art Unit: 1721

that a polymer, water and inorganic salt are mixed together to hydrate the polymer and then an aqueous brine is admixed with the polymer suspension. Calcium bromide, zinc bromide, calcium chloride and zinc chloride are among the preferred cations used. Also, see examples 1 and 2. The difference between the reference and the application is that the reference does not specifically state the ranges as applicant claims. However, the amounts used are subject to modification due to the desirability of the well completion solutions. It is obvious to optimize the amounts of the components of a composition. In re Aller 105 USPQ 223. It would have been obvious to one of ordinary skill in the art to make the claimed invention by the method also claimed because the GB reference teaches hydrating a polymer in a brine and then adding that solution to an additional aqueous brine.

The rejection over DD '559, House and Mondhsine is withdrawn since none of these references provide motivation to choose multivalent cations over monovalent cations for use as the brines. Applicant's arguments with respect to claims 1-3, 7, 9, 14-16, 21-23, 26 and 29-65 have been considered but are most in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly whose telephone number is (703) 308-0449. The examiner can normally be reached on Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703) 308-0756. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.





Application/Control Number: 08/869109

Art Unit: 1721

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

C.H. Kelly Art Unit 1721 CA Kelly

Page 4